REMARKS

I. Overview

Claims 1, 2, 4-10 and 12-21 are pending in the present application. Claims 3 and 11 are canceled herein. Claims 1, 4 and 5 have been amended. New claims 17-21 have been added. No new matter has been added by these amendments. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

The issues raised by the Examiner in the current Office Action dated May 30, 2008 (*Office Action*) are as follows:

- Claims 1-16 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 6,031,528 to Langfahl (hereinafter "Langfahl").

In response, Applicant respectfully traverses the outstanding claim rejections and requests reconsideration and withdrawal in light of the amendments and remarks presented herein.

II. Amendments

Claim 1 has been amended to incorporate elements of canceled claims 3 and 11. Claims 4 and 5 have been amended to correct their dependency to currently pending claims. New claims 17-21 have been added. No new matter has been added by these amendments. Claims 17-21 are supported by the original specification at least at pages 6-8.

III. Claim Rejection – 35 U.S.C. § 103

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Langfahl.

Langfahl teaches a computer network diagnostic tool that allows a computer coupled to a computer network to do network diagnostics. (Abstract). The Langfahl system includes a network map display that is a graphical representation of selected portions of a network service providers' (NSP) network. (Column 2, lines 29-33; Figure 1). Langfahl teaches that a user can test the connectivity between the computer and a selected device on the NSP network display. (Column 3, lines 15-20). The Langfahl system tests the connection to the selected device and the links between the computer and the selected device. (Column 3, lines 24-29). The NSP creates

a data file that is used to create the network map display. (Column 3, lines 56-60). There is no teaching or suggestion in Langfahl that the network map could be modified other than to indicate that connections have been tested. (Column 2, line 66-column3, line 14). Langfahl teaches that the network map and diagnostic routines may be embedded in other applications using, for example, Active X or Java. (Column 5, lines 33-47; Figure 5). There is no teaching or suggestion in Langfahl that the network map could be modified based upon embedded diagnostic routines.

Embodiments of the present invention are directed to adapting a user interface on a display device of a protocol tester. The display has a visual network plan that is used to configure a telecommunication measurement task by a user. The visual network plan is generated on a graphical user interface by the protocol tester using a text file. The visual network plan is modified on the display device from a basic network plan based upon the hardware and/or software that exists in the protocol tester. The text file defines only the position and connections of the elements of the visual network plan. An interpreter marks the elements for which a selection exists and/or which may be used for the configuration of the telecommunication measurement task based upon the hardware and/or software of the protocol tester.

Claim 1, as amended, recites:

> modifying the visual network plan on the display device in comparison to a basic network plan according to which hardware and/or software exists in the protocol tester;
> . . . an interpreter marks the elements for which a selection exists and/or which may be used for the configuration of the telecommunication measurement task according to the hardware and/or software of the protocol tester.

The elements of amended claim 1 have been previously presented and searched as part of claims 3 and 11.

The Office Action cites Langfahl as teaching or suggesting these elements of claim 1. (Office Action at 2-3). In particular, the Office Action cites the discussion of Active X and Java (column 5, lines 33-47) as suggesting that "the interface for conducting network testing would depend on which application software exists in the protocol tester." (Office Action at 4). Applicant submits that the availability of embedded controls using Active X or Java does not

teach or suggest "modifying the visual network plan" as required in claim 1. Active X and Java merely changes the way that the test software would be installed or run on the computer. There is no teaching or suggestion that embedding the test software would correspondingly change the visual network plan.

Claim 1 requires that an "interpreter" marks elements of the display for which a selection exists and/or may be used to configure the measurement task. The Office Action cites generally to column 3, liens 57-64 of Langfahl as teaching this feature of now-canceled claim 11. (Office Action at 3). That section of Langfahl states:

> The placement of devices and the creation of their IP addresses on network map 30 is performed by the NSP. The NSP creates a data file which allows the user's computer to create network map 30. The data file includes the IP addresses. The user automatically downloads updated network maps 30 in file form from the network. Therefore, the NSP can easily update all users when changes are made to the network.

Applicant submits that there is no teaching or suggestion in the cited disclosure of "an interpreter [marking] the elements . . . according to the hardware and/or software of the protocol tester" as required in claim 1. Instead, Langfahl teaches that the NSP data file includes all of the information needed to create a network map. Any changes to the network map are made by the NSP, which is contrary to the pending claims that require the protocol tester to modify the visual network plan. There is no teaching in Langfahl that the computer 20 can modify the visual network plan or network display.

Claims 2, 4-10, and 12-16 depend from independent claim 1 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicant's attorney at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, Deposit Account No. 50-1065.

Respectfully submitted,

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